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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,446	11/09/2001	Jihyuk Choi	3364P059	3728

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EXAMINER

CHEA, PHILIP J

ART UNIT PAPER NUMBER

2153

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,446

Applicant(s)

CHOI ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-8 have been examined.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains claim language, which should be avoided. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,6 are rejected under 35 U.S.C. 102(e) as being anticipated by Jiang (US 6,798,764).

As per claims 1,6, Jiang discloses a method for recognizing a request for data transmission by a mobile/base station RRC (Radio Resource Control) using a network transfer device, by which the mobile/base station RRC can recognize the request for data transmission using the network transfer

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device in a state where recognition of the request for data transmission is disabled, the method comprising:

(a) the mobile/base station RRC setting the network transfer device in a suspend state (see column 8, lines 13-15 and 30-46, where halting layer 2 communications implies suspending the network transfer device);

(b) the network transfer device in the suspend state recognizing the request for data transmission to an up/down link, and sending a message to the mobile/base station RRC to inform the mobile/base station RRC that it recognizes the request for data transmission (see column 8, lines 46-49, where data transfer state implies the network transfer device recognizing data transmission);

(c) the mobile/base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state (see column 8, lines 46-49); and

(d) the network transfer device transiting to the active state using the mobile/base station RRC (see column 8, lines 46-49).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5,7,8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang as applied to claim 1 above, and further in view of Baker et al. (US 2001/0055298), herein referred to as Baker.

As per claim 2, although the system disclosed by Jiang shows substantial features of the claimed invention (discussed above), it fails to disclose that the network transfer device comprises an RLC (Radio Link Control) protocol control network of the mobile/base station.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Jiang, as evidenced by Baker.

In an analogous art, Baker discloses a system for providing wireless access to packet data networks, further showing that the mobile data transmission module is a RLC module (see paragraph [0067]-[0068]).

Given the teaching of Baker, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Jiang by employing a RLC module, such as disclosed by Baker, in order to comply with the Universal Mobile Telecommunications System standard and also to provide acknowledge/unacknowledged data transfer for supporting requested quality of service.

As per claim 3, Jiang in view of Baker further disclose that the network transfer device is a PDCP (Packet Data Convergence Protocol) control network of the mobile/base station (see Baker paragraph [0065]).

As per claims 4,7, Jiang in view of Baker further disclose the base station RRC setting the base station RLC in the suspend state and then setting a base station PDCP in the suspend state (see Jiang column 8, lines 13-28, where base station is considered one of the wireless devices, see below for discussion about RLC and PDCP); and the mobile station RRC setting the mobile station RLC in the suspend state and then setting a base station PDCP in the suspend state (see Jiang column 8, lines 13-28, where both wireless devices are suspended). In considering the RLC and the PDCP, Baker discloses in paragraph [0068], that the layer 2 contains the RLC and PDCP. Since Jiang discloses suspending layer 2 communications, it would be obvious that the layer 2 contain RLC and PDCP.

As per claim 5,8, Jiang in view of Baker further disclose the base station RRC setting a base station RLC in the suspend state and then setting a base station PDCP in the suspend state (see Jiang column 8, lines 13-28, where base station is considered one of the wireless devices, see below for discussion about RLC and PDCP); and

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the mobile station RRC setting a base station RLC in the suspend state (see Jiang column 8, lines 13-28, where both wireless devices are suspended). In considering the RLC and the PDCP, Baker discloses in paragraph [0068], that the layer 2 contains the RLC and PDCP. Since Jiang discloses suspending layer 2 communications, it would be obvious that the layer 2 contain RLC and PDCP.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea
Examiner
Art Unit 2153

PJC 9/22/05



KRISNA LIM
PRIMARY EXAMINER